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By:  Printed: Lyza Finuliar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a DIVISIONAL application under 37 CFR 1.53(b) of pending prior application Serial No. 09/228,213, filed January 11, 1999, which is a divisional of prior application Serial No. 08/700,607, filed August 12, 1996, now issued patent number 5,858,708, both entitled TWO NOVEL HUMAN NSP-LIKE PROTEINS, all of which is being incorporated herein by reference.

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|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 08/700,607, filed on August 12, 1996, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application. |
| <input checked="" type="checkbox"/> | With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/700,607, filed August 12, 1996, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/700,607 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. |
| <input checked="" type="checkbox"/> | Cancel in this application original claims 3-8, 13-16, 28-43, 46-47 and 49-59 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims. |
| <input checked="" type="checkbox"/> | The inventors of the invention being claimed in this application are: Olga Bandman, Janice Au-Young, Surya K. Goli and Jennifer L. Hillman. |
| <input checked="" type="checkbox"/> | The prior application is assigned of record to <u>Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc.</u> , recorded on November 5, 1996, at reel 8207/frame 0208.11/05/96. |
| <input checked="" type="checkbox"/> | The power of attorney of the prior application is to:

The associate power of attorney in the prior application is to: |
| <input checked="" type="checkbox"/> | The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government. |

ENCLOSURES

- Application Data Sheet (ADS) (4 pp.).
- Blanket Exemption from Requirements Under § 42 U.S.C. 2182 Letter (1 pg.).
- In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicants' signatures as filed on October 29, 1996 (4 pp.).
- Submission of Formal Drawings (1 pg.); and seventeen (17) Sheets of Formal Drawings, including Figures 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 5, 6A, 6B, 6C, 6D, 7, 8 and 9.
- Information Disclosure Statement (2 pp.); and List of References Cited PTO-1449 (3 pp.).
- A new Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.).

CLAIMS AS FILED

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate		Basic Fee	
				\$	750.00	\$	750.00
Total Claims	20	-20	0	x \$18	0	\$	0
Indep. Claims	2	-3	0	x \$84	0	\$	0
Multiple Dependent Claim(s), if any				+ \$280	0	\$	0
					Filing Fee:	\$	750.00

FEE CALCULATION AND METHOD OF PAYMENT

The Fee has been calculated as follows:

- | | |
|--|-----------|
| <input checked="" type="checkbox"/> Fee for filing a Divisional Application Under 37 CFR 1.16 (a) : | \$ 750.00 |
| <input checked="" type="checkbox"/> Please charge Deposit Account No. 09-0108 in the amount of : | \$ 750.00 |

Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 CFR 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 CFR 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account **09-0108**. This sheet is enclosed in duplicate.

CORRESPONDENCE ADDRESS
(Customer No. 27904)

INCYTE CORPORATION LEGAL DEPARTMENT 3160 Porter Drive Palo Alto, California 94304	Phone: (650) 855-0555 Fax: (650) 845-4166 or (650) 849-8886
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Date: 12 September 2003

By: Cathleen M. Rocco

Cathleen M. Rocco
Reg. No. 46,172
Direct Dial Telephone: (650) 845-4587

Attorney or Agent of record.

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By:  Printed: Lyza Familiar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bandman et al.

Title: TWO NOVEL HUMAN NSP-LIKE PROTEINS

Serial No.: To Be Assigned Filing Date: Herewith

Examiner: To Be Assigned Group Art Unit: To Be Assigned

Official Draftsman
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figures 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 5, 6A, 6B, 6C, 6D, 7, 8 and 9, as seventeen (17) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the front side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 09-0108.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

Respectfully submitted,

INCYTE CORPORATION

Date: 12 September 2003


Cathleen M. Rocco

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